

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1461 & 1470

91ST GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, May 3, 2002, with recommendation that the Senate Committee Substitute do pass.

3589S.09C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 28.160, 115.013, 115.027, 115.081, 115.083, 115.085, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.122, 115.123, 115.127, 115.133, 115.135, 115.137, 115.151, 115.157, 115.159, 115.160, 115.162, 115.163, 115.179, 115.195, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.287, 115.291, 115.409, 115.417, 115.419, 115.427, 115.429, 115.433, 115.439, 115.453, 115.493 and 115.613, RSMo, relating to elections, and to enact in lieu thereof fifty-five new sections relating to the same subject, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 28.160, 115.013, 115.027, 115.081, 115.083, 115.085,
2 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.122, 115.123, 115.127,
3 115.133, 115.135, 115.137, 115.151, 115.157, 115.159, 115.160, 115.162, 115.163,
4 115.179, 115.195, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.287,
5 115.291, 115.409, 115.417, 115.419, 115.427, 115.429, 115.433, 115.439, 115.453,
6 115.493 and 115.613, RSMo, are repealed and fifty-five new sections enacted in lieu
7 thereof, to be known as sections 28.160, 71.005, 115.013, 115.027, 115.062, 115.074,
8 115.076, 115.081, 115.085, 115.087, 115.089, 115.095, 115.097, 115.098, 115.099,
9 115.101, 115.102, 115.123, 115.126, 115.127, 115.133, 115.135, 115.137, 115.151,
10 115.157, 115.159, 115.160, 115.162, 115.163, 115.179, 115.195, 115.225, 115.233,
11 115.237, 115.277, 115.279, 115.283, 115.287, 115.291, 115.409, 115.417, 115.419,
12 115.420, 115.427, 115.429, 115.433, 115.439, 115.453, 115.493, 115.613, 115.645,
13 115.801, 115.803, 115.806 and 1, to read as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

28.160. 1. The state shall be entitled to fees for services to be rendered by
the secretary of state as follows:

For issuing commission to notary public	\$15.00
For countersigning and sealing certificates of official character	10.00
For all other certificates	5.00
For copying archive and state library records, papers or documents, for each page 8 ½ x 14 inches and smaller, not [more than	.10]
to exceed the actual cost of document search and duplication	
For duplicating microfilm, for each roll	[15.00],
not to exceed the actual cost of staff time required for searches and duplication	
For copying all other records, papers or documents, for each page 8 ½ x 14 inches and smaller, not [more than.	.10]
to exceed the actual cost of document search and duplication	
For certifying copies of records and papers or documents	5.00
For causing service of process to be made	10.00
For electronic telephone transmittal, per page	2.00

2. There is hereby established the "Secretary of State's Technology Trust Fund Account" which shall be administered by the state treasurer. All yield, interest, income, increment, or gain received from time deposit of moneys in the state treasury to the credit of the secretary of state's technology trust fund account shall be credited by the state treasurer to the account. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of a biennium exceeds five million dollars. In any such biennium the amount in the fund in excess of five million dollars shall be transferred to general revenue.

3. The secretary of state may collect an additional fee of ten dollars for the issuance of new and renewal notary commissions which shall be deposited in the state treasury and credited to the secretary of state's technology trust fund

36 account.

37 4. The secretary of state may ask the general assembly to appropriate funds
38 from the technology trust fund for the purposes of establishing, procuring,
39 developing, modernizing and maintaining:

40 (1) An electronic data processing system and programs capable of
41 maintaining a centralized database of all registered voters in the state;

42 (2) Library services offered to the citizens of this state;

43 (3) Administrative rules services, equipment and functions;

44 (4) Services, equipment and functions relating to securities;

45 (5) Services, equipment and functions relating to corporations and business
46 organizations;

47 (6) Services, equipment and functions relating to the Uniform Commercial
48 Code;

49 (7) Services, equipment and functions relating to archives; [and]

50 (8) Services, equipment and functions relating to record services; **and**

51 **(9) Services, equipment and functions relating to elections.**

52 **5. Notwithstanding any provision of this section to the contrary, the secretary**
53 **of state shall not collect fees, for processing apostilles, certifications and**
54 **authentications prior to the placement of a child for adoption, in excess of one**
55 **hundred dollars per child per adoption, or per multiple children to be adopted at**
56 **the same time.**

71.005. No person shall be a candidate for municipal office unless such
2 **person complies with the provisions of section 115.346, RSMo, regarding payment**
3 **of municipal taxes or user fees.**

115.013. As used in this chapter, unless the context clearly implies otherwise,
2 the following terms mean:

3 (1) "Automatic tabulating equipment", the apparatus necessary to examine
4 and automatically count votes, and the data processing machines which are used
5 for counting votes and tabulating results;

6 (2) "Ballot", the ballot card [or], paper ballot **or ballot designed for use with**
7 **an electronic voting system** on which each voter may cast all votes to which he or
8 she is entitled at an election;

9 (3) "Ballot card", a ballot which is voted by making a punch or sensor mark
10 which can be tabulated by automatic tabulating equipment;

11 (4) "Ballot label", the card, paper, booklet, page or other material containing
12 the names of all offices and candidates and statements of all questions to be voted

13 on;

14 (5) "Counting location", a location selected by the election authority for the
15 automatic processing or counting, or both, of ballots;

16 (6) "County", any one of the several counties of this state or the city of St.
17 Louis;

18 (7) "Disqualified", a determination made by a court of competent jurisdiction,
19 the Missouri ethics commission, an election authority or any other body authorized
20 by law to make such a determination that a candidate is ineligible to hold office
21 or not entitled to be voted on for office;

22 (8) "District", an area within the state or within a political subdivision of the
23 state from which a person is elected to represent the area on a policy-making body
24 with representatives of other areas in the state or political subdivision;

25 (9) "Electronic voting system", a system of casting votes by use of marking
26 devices, and counting votes by use of automatic tabulating or data processing
27 equipment, **and includes computerized voting systems**;

28 (10) "Established political party" for the state, a political party which, at either
29 of the last two general elections, polled for its candidate for any statewide office,
30 more than two percent of the entire vote cast for the office. "Established political
31 party" for any district or political subdivision shall mean a political party which
32 polled more than two percent of the entire vote cast at either of the last two
33 elections in which the district or political subdivision voted as a unit for the election
34 of officers or representatives to serve its area;

35 (11) "Federal office", the office of presidential elector, United States senator,
36 or representative in Congress;

37 (12) "Independent", a candidate who is not a candidate of any political
38 party and who is running for an office for which party candidates may run;

39 (13) "Major political party", the political party whose candidates received the
40 highest or second highest number of votes at the last general election;

41 (14) "Marking device", either an apparatus in which ballots are inserted and
42 voted by use of a punch apparatus, or any approved device [for marking paper
43 ballots with ink or other substance] which will enable the votes to be counted by
44 automatic tabulating equipment;

45 (15) **"Municipal" or "municipality", a city, village, or incorporated town of this**
46 **state**;

47 [(15)] (16) "New party", any political group which has filed a valid petition

48 and is entitled to place its list of candidates on the ballot at the next general or
49 special election;

50 [(16)] **(17)** "Nonpartisan", a candidate who is not a candidate of any
51 political party and who is running for an office for which party candidates may not
52 run;

53 [(17)] **(18)** "Political party", any established political party and any new
54 party;

55 [(18)] **(19)** "Political subdivision", a county, city, town, village, or township of
56 a township organization county;

57 [(19)] **(20)** "Polling place", the voting place designated for all voters residing
58 in one or more precincts for any election;

59 [(20)] **(21)** "Precincts", the geographical areas into which the election
60 authority divides its jurisdiction for the purpose of conducting elections;

61 [(21)] **(22)** "Public office", any office established by constitution, statute or
62 charter and any employment under the United States, the state of Missouri, or any
63 political subdivision or special district, but does not include any office in the reserve
64 forces or the national guard or the office of notary public;

65 [(22)] **(23)** "Question", any measure on the ballot which can be voted "YES"
66 or "NO";

67 [(23)] **(24)** "Relative within the [second] **first** degree by consanguinity or
68 affinity", a spouse, [each grandparent,] parent, [brother, sister, niece, nephew, aunt,
69 uncle], **or** child [and grandchild] of a person;

70 **(25) "Relative within the second degree by consanguinity or affinity", a**
71 **spouse, parent, child, grandparent, brother, sister, grandparent, brother, sister,**
72 **grandchild, mother-in-law, father-in-law, daughter-in-law, or son-in-law;**

73 [(24)] **(26)** "Special district", any school district, water district, fire protection
74 district, hospital district, health center, nursing district, or other districts with taxing
75 authority, or other district formed pursuant to the laws of Missouri to provide limited,
76 specific services;

77 [(25)] **(27)** "Special election", elections called by any school district, water
78 district, fire protection district, or other district formed pursuant to the laws of
79 Missouri to provide limited, specific services; and

80 [(26)] **(28)** "Voting district", the one or more precincts within which all voters
81 vote at a single polling place for any election.

115.027. **1.** Each board of election commissioners shall be composed of four

2 members, appointed by the governor with the advice and consent of the
3 senate. **The members appointed from the political party who are not of the party**
4 **of the Governor shall be selected from a list of four members submitted by the state**
5 **committee of such party.** Two commissioners on each board shall be members of
6 one major political party, and two commissioners on each board shall be members
7 of the other major political party. In no case shall more than two commissioners on
8 a board be members of the same political party. When appointing commissioners,
9 the governor shall designate one commissioner on each board to be chairman of
10 the board and one commissioner on each board to be secretary of the board. The
11 chairman and secretary of a board shall not be members of the same political
12 party.

13 **2. In jurisdictions with boards of election commissioners as the election**
14 **authority, the governor may appoint to such board one representative from each**
15 **established political party. Such representative shall not be a member of the board**
16 **for purposes of subsection 1 of this section. The state chairperson of each**
17 **established political party shall submit a list of no more than four names from which**
18 **the governor shall select the representative from that party. Such representative**
19 **shall not have voting status, and may not be compensated, but shall be allowed**
20 **to participate in discussions and be informed of any meeting of such board.**

 115.062. The state of Missouri shall, as soon as practicable, pay its current
2 obligations to election authorities pursuant to the proportional cost provisions of
3 sections 115.065 and 115.157, for transactions submitted on or after August 28, 2002.

 115.074. 1. Subject to appropriation from federal funds, the secretary of
2 state shall administer a grant program annually for the purposes of providing funds
3 to election authorities to upgrade or improve the voting process or equipment. The
4 secretary of state shall distribute the funds according to the provisions established
5 for the grants by federal law and regulation. The secretary of state may promulgate
6 rules to effectuate the provisions of this section.

7 2. Any rule or portion of a rule, as that term is defined in section 536.010,
8 RSMo, that is created under the authority delegated in this section shall become
9 effective only if it complies with and is subject to all of the provisions of chapter
10 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
11 RSMo, are nonseverable and if any of the powers vested with the general assembly
12 pursuant to chapter 536, RSMo, to review, to delay the effective date or to
13 disapprove and annul a rule are subsequently held unconstitutional, then the grant
14 of rulemaking authority and any rule proposed or adopted after August 28, 2002,

15 shall be invalid and void.

115.076. 1. Subject to appropriation of federal funds, the secretary of state
2 shall administer a grant program annually for the purpose of providing funds to
3 election authorities:

4 (1) To purchase electronic voting machines that are accessible to all
5 individuals with disabilities, including people who are blind or visually impaired;

6 (2) To make polling places, including path of travel, entrances, exits and
7 voting areas of each polling facility accessible to individuals with disabilities,
8 including the blind and visually impaired, in a manner that provides the same
9 opportunity for access and secret, independent and verifiable participation,
10 including privacy and independence, as for other voters;

11 (3) To provide individuals with disabilities and individuals who are blind and
12 visually impaired with information about the accessibility of polling places,
13 including outreach programs to inform individuals about the availability of
14 accessible polling places and to train election officials, poll workers, and election
15 volunteers on how to best promote the access and participation of individuals in
16 elections, and to provide assistance in all accommodations needed by voters with
17 disabilities.

18 The secretary of state shall distribute the funds according to the provisions
19 established for the grants by federal law and regulation. The secretary of state may
20 promulgate rules to effectuate the provisions of this section.

21 2. Any rule or portion of a rule, as that term is defined in section 536.010,
22 RSMo, that is created under the authority delegated in this section shall become
23 effective only if it complies with and is subject to all of the provisions of chapter
24 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
25 RSMo, are nonseverable and if any of the powers vested with the general assembly
26 pursuant to chapter 536, RSMo, to review, to delay the effective date or to
27 disapprove and annul a rule are subsequently held unconstitutional, then the grant
28 of rulemaking authority and any rule proposed or adopted after August 28, 2002,
29 shall be invalid and void.

115.081. 1. Each election authority shall appoint [at least four] election
2 judges for each polling place within its jurisdiction **in accordance with the provisions**
3 **of this section.** [If the expected voter turnout at a polling place indicates that four
4 judges may be insufficient, the election authority may appoint an even number of
5 additional judges for the polling place. One-half of the judges at each polling
6 place shall be members of one major political party, and one-half of the judges at

7 each polling place shall be members of the other major political party.]

8 **2. In all primary and general elections, the election authority shall appoint**
9 **at least two judges from each major political party to serve at each polling place. No**
10 **major political party shall have a majority of the judges at any polling place. No**
11 **established party shall have a greater number of judges at any polling place than**
12 **any major political party, except as provided in subsection 3 of this section.**

13 **3. In any election that is not a primary or general election, the election**
14 **authority shall appoint at least one judge from each major political party to serve**
15 **at each polling place. No major political party shall have a majority of the judges**
16 **at any polling place. No established party shall have a greater number of judges**
17 **at any polling place than any major political party.**

18 **[2.] 4.** The election authority shall designate two of the judges appointed for
19 each polling place, one from each major political party, as supervisory
20 judges. Supervisory judges shall be responsible for the return of election supplies
21 from the polling place to the election authority and shall have any additional duties
22 prescribed by the election authority.

23 **[3.] 5.** Election judges may be employed to serve for the first half or last half
24 of any election day. Such judges shall be paid one-half the regular rate of pay. If
25 part-time judges are employed, the election authority shall employ such judges and
26 shall see that a sufficient number for each period are present at all times so as to
27 have the proper total number of judges present at each polling place throughout
28 each election day. The election authority shall require that at each polling place
29 at least one election judge from each political party serve a full day and that at all
30 times during the day there be an equal number of election judges from each
31 political party.

32 **6. An election authority may appoint additional election judges representing**
33 **other established political parties and additional election judges who do not claim**
34 **a political affiliation. Any question which requires a decision by the majority of**
35 **judges shall only be made by the judges from the major political parties.**

115.085. No person shall be appointed to serve as an election judge who is
2 not a registered voter in the jurisdiction of the election authority for which he or she
3 is appointed. Each election judge shall be a person of good repute and character
4 who can speak, read and write the English language. No person shall serve as an
5 election judge at any polling place in which his or her name or the name of a
6 relative within the second degree, by consanguinity or affinity, appears on the
7 ballot. However, no relative of any unopposed candidate shall be disqualified from

8 serving as an election judge in any election jurisdiction of the state. No election
9 judge shall, during his or her term of office, hold any other public office, other than
10 as a member of a political party committee or township office, except any person
11 who is an employee of the state of Missouri or who is appointed to or employed by
12 **or elected to** a board or commission of a political subdivision or special district may
13 serve as an election judge except at a polling place where such political
14 subdivision or special district has an issue or candidate on the ballot. In any county
15 having a population of less than two hundred fifty thousand inhabitants, any
16 candidate for the county committee of a political party who is not a candidate for
17 any other office and who is unopposed for election as a member of the committee
18 shall not be disqualified from serving as an election judge.

115.087. **1.** In each county which does not have a board of election
2 commissioners, the election judges shall be selected from lists provided by the
3 county committee of each major political party **or as authorized pursuant to section**
4 **115.081.** Not later than December tenth in each year in which county
5 committeemen are elected, the county committee of each major political party
6 shall submit to the [county clerk] **election authority** a list of persons qualified to
7 serve as election judges in double the number required to hold a general election
8 in the county. [Not later than February tenth in each year immediately following
9 the year in which county committeemen are elected, each county clerk] **For each**
10 **election, the election authority** shall select and appoint the number of judges
11 required to hold [a general] **the** election [in his county, taking one-half of the judges
12 from each of the lists]. If a county committee fails to present the prescribed
13 number of names of qualified persons by the time prescribed, the [county clerk]
14 **election authority** may select and appoint the number of judges provided by law
15 for the county committee's party. If the [county clerk] **election authority** deems any
16 person on a list to be unqualified, [he] **the election authority** may request the
17 county committee which submitted the list to furnish another name. [The election
18 judges shall be appointed for a term ending on February tenth in the year
19 immediately following the year in which county committeemen are next elected
20 and until their successors are appointed and qualified.]

21 **2. The state chairperson of each established political party may, in**
22 **jurisdictions where no county committee exists and where the county clerk is the**
23 **election authority, submit a list of persons qualified to serve as election judges to**
24 **the county clerk. The county clerk may select and appoint additional judges from**

25 such list pursuant to section 115.081.

26 **3. County clerks may compile a list of persons who claim no political**
27 **affiliation and who volunteer to be election judges. A county clerk may select and**
28 **appoint additional judges from such list pursuant to section 115.081.**

115.089. Each board of election commissioners shall have authority to
2 appoint election judges for individual elections, or for a term coincident with the
3 term of the board and until the judges' successors are appointed and qualified. The
4 board may ask the county committee of each major political party to submit a list
5 of persons qualified to serve as election judges and may select and appoint judges
6 from the lists. **The board may compile a list of persons who claim no political**
7 **affiliation and who volunteer to be election judges and may select and appoint**
8 **judges from the list.**

115.095. If any judge fails to act or to appear by the time fixed by law for the
2 opening of the polls, the election authority shall be notified immediately by an
3 election judge. The election authority or the election judges present in the polling
4 place shall appoint another judge from the same political party as the judge failing
5 to act or to appear. If the election judges elect a qualified temporary judge, [he]
6 **such judge** shall have full authority to act as judge for the election, except that [he]
7 **such judge** may be removed at any time by the election authority and replaced
8 with another qualified judge from the same political party as the removed
9 judge. **Any judge selected pursuant to this section shall be selected to ensure that**
10 **no political party shall have a majority of judges at any polling place and that**
11 **each major political party has at least one judge serving at the polling place.**

115.097. No election judge shall be absent from the polls for more than one
2 hour during the hours the polls are open on election day. No election judge shall
3 be absent from the polls before 9:00 a.m. or after 5:00 p.m. on election day. No
4 more than one judge from the same **major** political party shall be absent from the
5 polls at the same time on election day.

115.098. **1. Subject to appropriation from federal funds, the secretary of**
2 **state shall administer a grant program for the purpose of increasing the**
3 **compensation of election judges. Such funding shall be made available to election**
4 **authorities contingent upon the election authority increasing the compensation of**
5 **election judges to an amount not less than seven dollars per hour. The secretary**
6 **of state shall distribute the funds according to the provisions established for the**
7 **grants by federal law and regulation. The secretary of state may promulgate rules**
8 **to effectuate the provisions of this section.**

9 2. Any rule or portion of a rule, as that term is defined in section 536.010,
10 RSMo, that is created under the authority delegated in this section shall become
11 effective only if it complies with and is subject to all of the provisions of chapter
12 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
13 RSMo, are nonseverable and if any of the powers vested with the general assembly
14 pursuant to chapter 536, RSMo, to review, to delay the effective date or to
15 disapprove and annul a rule are subsequently held unconstitutional, then the grant
16 of rulemaking authority and any rule proposed or adopted after August 28, 2002,
17 shall be invalid and void.

115.099. Each election authority shall have authority to direct judges in their
2 duties and to compel compliance with the law. Each election authority may
3 substitute judges at his discretion on election day. Each election authority shall also
4 have authority at any time to remove any judge for good cause and to replace
5 [him] **the judge** with a qualified person from the same political party as the
6 removed judge. **Any judge selected pursuant to this section shall be selected to**
7 **ensure that no political party shall have a majority of judges at any polling place**
8 **and that each major political party has at least one judge serving at the polling**
9 **place.**

115.101. For service in conducting elections and house-to-house canvasses,
2 each election judge shall be paid [a specific dollar amount which shall be set by
3 the legislative authority of each county and by any city not within a county] **an**
4 **amount established by the election authority.** For purposes of this section, and the
5 Constitution of Missouri, election judges appointed by the election authority shall
6 not be considered employees of the election authority.

2 **115.102. 1. An employer shall not terminate, discipline, threaten or take**
3 **adverse actions against an employee based on the employee's service as an**
4 **election judge.**

5 **2. An employee who is appointed to serve as an election judge may, on**
6 **election day, be absent from his or her employment for the period of time that the**
7 **election authority requires the employee to serve as election judge. Employees**
8 **must notify employers at least seven days prior to an election that they will be**
9 **absent from work on election day due to service as an election judge.**

10 **3. An employee discharged in violation of this section may bring a civil**
11 **action against the employer within ninety days of discharge for recovery of lost**
12 **wages and other damages caused by the violation and for an order directing**
13 **reinstatement of the employee. If the employee prevails, the employee shall be**

14 **entitled to receive reasonable attorney's fees and costs.**

115.123. 1. All public elections shall be held on Tuesday. Except as provided
2 in subsections 2, 3, **and 4** [and 5] of this section, and section 247.180, RSMo, all
3 public elections shall be held on the general election day, the primary election
4 day, the general municipal election day, the first Tuesday after the first Monday in
5 February or November, or on another day expressly provided by city or county
6 charter, **the first Tuesday after the first Monday in June and in nonprimary years on**
7 **the first Tuesday after the first Monday in August.**

8 2. Notwithstanding the provisions of subsection 1 of this section, an election
9 for a presidential primary held pursuant to sections 115.755 to 115.785 shall be held
10 on the first Tuesday after the first Monday in March of each presidential election
11 year.

12 3. [Notwithstanding the provisions of subsection 1 of this section, school
13 districts may hold elections on the first Tuesday after the first Monday in June and
14 in nonprimary years on the first Tuesday after the first Monday in August, and
15 municipalities may hold elections in nonprimary years on the first Tuesday after the
16 first Monday in August.

17 4.] The following elections shall be exempt from the provisions of subsection
18 1 of this section:

19 (1) Bond elections necessitated by fire, vandalism or natural disaster;

20 (2) Elections for which ownership of real property is required by law for
21 voting; and

22 (3) Special elections to fill vacancies and to decide tie votes or election
23 contests.

24 [5.] 4. No city or county shall adopt a charter or charter amendment which
25 calls for elections to be held on dates other than those established in subsection 1
26 of this section.

27 [6.] 5. Nothing in this section prohibits a charter city or county from having
28 its primary election in March if the charter provided for a March primary before
29 August 28, 1999.

30 [7.] 6. Nothing in this section shall prohibit elections held pursuant to section
31 65.600, RSMo, but no other issues shall be on the March ballot except pursuant to
32 this chapter.

115.126. 1. **Notwithstanding any provision of this chapter to the contrary,**
2 **election authorities shall establish an advance voting period when eligible**

3 registered voters may vote before any general election in presidential election
4 years at the office of the election authority and up to four other polling places
5 designated by and under the control of the election authority. The permissible
6 advance voting period shall begin fourteen days prior to such election and end at
7 5:00 p.m. on the Wednesday before the day of such election.

8 2. Election authorities shall, pursuant to subsection 1 of this section, establish
9 the hours and locations for advance voting and shall post this information at the
10 election authority's office and in such other locations as the election authority may
11 select. The election authority shall have all advance voting locations open on all
12 business days during the advance voting period, and may have all advance voting
13 locations open on Saturdays, Sundays and holidays during the advance voting
14 period.

15 3. Except as provided in this section, advance voting procedures shall be
16 conducted pursuant to sections 115.407 to 115.445. The secretary of state shall
17 design the necessary application for use in an advance voting program pursuant
18 to this section. Not later than August first of each year each election authority shall
19 submit to the secretary of state a plan and funding request to implement the
20 provisions of this section. The secretary of state shall submit a request for funding
21 to the governor based on such plans approved by the secretary of state and
22 funding requests submitted. If a sufficient sum is appropriated to finance the plan
23 and to pay the state's other financial obligations to the election authorities pursuant
24 to this chapter, an advance voting program shall be implemented for the state at
25 the elections held during that fiscal year. No advance voting or other absentee
26 voting program authorized pursuant to this section shall occur when the state has
27 failed to appropriate funds to pay its obligations. The secretary of state shall assist
28 election authorities in developing a plan for the implementation of an advance
29 voting program.

30 4. Before the precinct registers are delivered to the polling places for an
31 election, the election authority shall record in the precinct registers the names of
32 all voters who have submitted an advance voting ballot. The election judge shall
33 not allow any person who has voted an advance voting ballot in the election to
34 vote at the polls on election day. If it is determined that any voter submitted an
35 advance voting ballot and voted at the polls on election day, such person, having
36 voted more than once, is guilty of a class one election offense pursuant to
37 subdivision (2) of section 115.631.

38 5. The secretary of state may promulgate rules to effectuate the provisions
39 of this section.

40 **6. Any rule or portion of a rule, as that term is defined in section 536.010,**
41 **RSMo, that is created under the authority delegated in this section shall become**
42 **effective only if it complies with and is subject to all of the provisions of chapter**
43 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**
44 **RSMo, are nonseverable and if any of the powers vested with the general assembly**
45 **pursuant to chapter 536, RSMo, to review, to delay the effective date or to**
46 **disapprove and annul a rule are subsequently held unconstitutional, then the grant**
47 **of rulemaking authority and any rule proposed or adopted after August 28, 2002,**
48 **shall be invalid and void.**

115.127. 1. Except as provided in subsection 4 of this section, upon receipt
2 of notice of a special election to fill a vacancy submitted pursuant to section
3 115.125, the election authority shall cause legal notice of the special election to be
4 published in a newspaper of general circulation in its jurisdiction. The notice shall
5 include the name of the officer or agency calling the election, the date and time
6 of the election, the name of the office to be filled and the date by which
7 candidates must be selected or filed for the office. Within one week prior to each
8 special election to fill a vacancy held in its jurisdiction, the election authority shall
9 cause legal notice of the election to be published in two newspapers of different
10 political faith and general circulation in the jurisdiction. The legal notice shall
11 include the date and time of the election, the name of the officer or agency
12 calling the election and a sample ballot. If there is only one newspaper of general
13 circulation in the jurisdiction, the notice shall be published in the newspaper within
14 one week prior to the election. If there are two or more newspapers of general
15 circulation in the jurisdiction, but no two of opposite political faith, the notice shall
16 be published in any two of the newspapers within one week prior to the election.

17 2. Except as provided in subsections 1 and 4 of this section and in sections
18 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each
19 election held in its jurisdiction to be published. The notice shall be published in two
20 newspapers of different political faith and qualified pursuant to chapter 493, RSMo,
21 which are published within the bounds of the area holding the election. If there is
22 only one so qualified newspaper, then notice shall be published in only one
23 newspaper. If there is no newspaper published within the bounds of the election
24 area, then the notice shall be published in two qualified newspapers of different
25 political faith serving the area. Notice shall be published twice, the first publication
26 occurring in the second week prior to the election, and the second publication
27 occurring within one week prior to the election. Each such legal notice shall

28 include the date and time of the election, the name of the officer or agency
29 calling the election and a sample ballot; and, unless notice has been given as
30 provided by section 115.129, the second publication of notice of the election shall
31 include the location of polling places. The election authority may provide any
32 additional notice of the election it deems desirable.

33 3. The election authority shall print the official ballot as the same appears
34 on the sample ballot, and no candidate's name or ballot issue which appears on
35 the sample ballot or official printed ballot shall be stricken or removed from the
36 ballot except on death of a candidate or by court order.

37 4. In lieu of causing legal notice to be published in accordance with any of
38 the provisions of this chapter, the election authority in jurisdictions which have less
39 than **[five hundred] seven hundred fifty** registered voters and in which no
40 newspaper qualified pursuant to chapter 493, RSMo, is published, may cause legal
41 notice to be mailed during the second week prior to the election, by first class mail,
42 to each registered voter at **[his] the voter's** voting address. All such legal notices
43 shall include the date and time of the election, the location of the polling place,
44 the name of the officer or agency calling the election and a sample ballot.

45 5. If the opening date for filing a declaration of candidacy for any office in
46 a political subdivision or special district is not required by law or charter, the
47 opening filing date shall be 8:00 a.m., the fifteenth Tuesday prior to the election. If
48 the closing date for filing a declaration of candidacy for any office in a political
49 subdivision or special district is not required by law or charter, the closing filing date
50 shall be 5:00 p.m., the eleventh Tuesday prior to the election. The political
51 subdivision or special district calling an election shall, before the fifteenth Tuesday
52 prior to any election at which offices are to be filled, notify the general public of
53 the opening filing date, the office or offices to be filled, the proper place for filing
54 and the closing filing date of the election. Such notification may be accomplished
55 by legal notice published in at least one newspaper of general circulation in the
56 political subdivision or special district.

57 6. Except as provided for in sections 115.247 and 115.359, if there is no
58 additional cost for the printing or reprinting of ballots or if the candidate agrees to
59 pay any printing or reprinting costs, a candidate who has filed for an office or who
60 has been duly nominated for an office, may, at any time after the certification
61 required in section 115.125 but no later than 5:00 p.m. on the sixth Tuesday before
62 the election, withdraw as a candidate pursuant to a court order, which, except for

63 good cause shown by the election authority in opposition thereto, shall be freely
64 given upon application by the candidate to the circuit court of the area of such
65 candidate's residence.

115.133. 1. Except as provided in subsection 2 of this section, any citizen of
2 the United States who is a resident of the state of Missouri and seventeen years and
3 six months of age or older shall be entitled to register and to vote in any election
4 which is held on or after his eighteenth birthday.

5 2. No person who is adjudged incapacitated shall be entitled to register or
6 vote. No person shall be entitled to **register or** vote:

7 (1) While confined under a sentence of imprisonment;

8 (2) While on probation or parole after conviction of a felony, until finally
9 discharged from such probation or parole; or

10 (3) After conviction of a felony or misdemeanor connected with the right of
11 suffrage.

12 **3. Except as provided in federal law for federal elections and in section**
13 **115.277, no person shall be entitled to vote if the person has not registered to vote**
14 **in the jurisdiction of his or her residence prior to the deadline to register to vote.**

115.135. 1. Any person who is qualified to vote, or who shall become
2 qualified to vote on or before the day of election, shall be entitled to register in the
3 jurisdiction within which he or she resides. In order to vote in any election for which
4 registration is required, a person must be registered **to vote in the jurisdiction of his**
5 **or her residence** no later than 5:00 p.m., or the normal closing time of any public
6 building where the registration is being held if such time is later than 5:00 p.m., on
7 the fourth Wednesday prior to the election. In no case shall registration for an
8 election extend beyond 10:00 p.m. on the fourth Wednesday prior to the
9 election. Any person registering after such date shall be eligible to vote in
10 subsequent elections.

11 2. A person applying to register with an election authority or a deputy
12 registration official shall present a valid Missouri drivers license or other form of
13 personal identification at the time of registration.

115.137. 1. Except as provided in subsection 2 of this section, any citizen
2 who is entitled to register and vote shall be entitled to register for and vote **pursuant**
3 **to the provisions of this chapter** in all statewide public elections and all public
4 elections held for districts and political subdivisions within which he resides.

5 2. Any person who and only persons who fulfill the ownership requirements

6 shall be entitled to vote in elections for which ownership of real property is required
7 by law for voting.

115.151. 1. Each qualified applicant who appears before the election
2 authority shall be deemed registered as of the time the applicant's completed,
3 signed and sworn registration application is witnessed by the election authority or
4 deputy registration official.

5 2. Each applicant who registers by mail shall be deemed to be registered
6 as of the date the application is postmarked, if such application is accepted and
7 not rejected by the election authority and the verification notice required pursuant
8 to section 115.155 is not returned as undeliverable by the postal service.

9 3. Each applicant who registers at a voter registration agency or the division
10 of motor vehicle and drivers licensing of the department of revenue shall be
11 deemed to be registered as of the date the application is signed by the applicant,
12 if such application is accepted and not rejected by the election authority and the
13 verification notice required pursuant to section 115.155 is not returned as
14 undeliverable by the postal service. **Voter registration agencies and the division
15 of motor vehicle and driver licensing of the department of revenue shall transmit
16 voter registration application forms to the appropriate election authority not later
17 than five business days after the form is completed by the applicant.**

115.157. 1. The election authority may place all information on any
2 registration cards in computerized form in accordance with subsection 2 of section
3 115.158. No election authority or secretary of state shall furnish to any member of
4 the public electronic media or printout showing any registration information, except
5 as provided in this section. **Except as provided in subsection 2 of this section,** the
6 election authority or secretary of state shall make available electronic media or
7 printouts showing unique voter identification numbers, voters' names, dates of birth,
8 addresses, townships or wards, and precincts. Electronic data shall be maintained
9 in at least the following separate fields:

- 10 (1) Voter identification number;
- 11 (2) First name;
- 12 (3) Middle initial;
- 13 (4) Last name;
- 14 (5) Suffix;
- 15 (6) Street number;
- 16 (7) Street direction;

- 17 (8) Street name;
- 18 (9) Street suffix;
- 19 (10) Apartment number;
- 20 (11) City;
- 21 (12) State;
- 22 (13) Zip code;
- 23 (14) Township;
- 24 (15) Ward;
- 25 (16) Precinct;
- 26 (17) Senatorial district;
- 27 (18) Representative district;
- 28 (19) Congressional district.

29 All election authorities shall enter voter history in their computerized registration
30 systems and shall, not more than six months after the election, forward such data
31 to the centralized voter registration system established in section 115.158. **Except**
32 **as provided in subsection 2 of this section**, the election authority shall also furnish,
33 for a fee, electronic media or a printout showing the names, dates of birth and
34 addresses of voters, or any part thereof, within the jurisdiction of the election
35 authority who voted in any specific election, including primary elections, by
36 township, ward or precinct, provided that nothing in this chapter shall require such
37 voter information to be released to the public over the Internet. The amount of
38 fees charged for information provided in this section shall be established pursuant
39 to chapter 610, RSMo. All revenues collected by the secretary of state pursuant to
40 this section shall be deposited in the state treasury and credited to the secretary of
41 state's technology trust fund account established pursuant to section 28.160, RSMo.
42 even-numbered years, each election authority shall, upon request, supply the voter
43 registration list for its jurisdiction to all candidates and party committees for a
44 charge established pursuant to chapter 610, RSMo. **Except as provided in**
45 **subsection 2 of this section**, all election authorities shall make the information
46 described in this section available pursuant to chapter 610, RSMo. Any election
47 authority who fails to comply with the requirements of this section shall be subject
48 to the provisions of chapter 610, RSMo.

49 **2. Any person working as an undercover officer of a law enforcement**
50 **agency, persons in witness protection programs, and victims of domestic violence**
51 **and abuse who have received orders of protection pursuant to chapter 455, RSMo,**

52 shall be entitled to apply to the circuit court having jurisdiction in his or her county
53 of residence to have the residential address on his or her voter registration records
54 closed to the public if the release of such information could endanger the safety
55 of the person. Any person working as an undercover agent or in a witness
56 protection program shall also submit a statement from the chief executive officer
57 of the agency under whose direction he or she is serving. The petition to close the
58 residential address shall be incorporated into any petition for protective order
59 provided by circuit clerks pursuant to chapter 455, RSMo. If satisfied that the person
60 filing the petition meets the qualifications of this subsection, the circuit court shall
61 issue an order to the election authority to keep the residential address of the voter
62 a closed record and the address may be used only for the purposes of
63 administering elections pursuant to this chapter. The election authority may require
64 the voter who has a closed residential address record to verify that his or her
65 residential address has not changed or to file a change of address and to affirm
66 that the reasons contained in the original petition are still accurate prior to
67 receiving a ballot. A change of address within an election authority's jurisdiction
68 shall not require that the voter file a new petition. Any voter who no longer qualifies
69 pursuant to this subsection to have his or her residential address as a closed record
70 shall notify the circuit court. Upon such notification, the circuit court shall void the
71 order closing the residential address and so notify the election authority.

115.159. 1. Any person who is qualified to register in Missouri shall, upon
2 application, be entitled to register by mail. Upon request, application forms shall
3 be furnished by the election authority or the secretary of state.

4 2. Notwithstanding any provision of law to the contrary, the election
5 authority shall not deliver any voter identification card to any person who registers
6 to vote by mail until after such person has voted, in person, after presentation of a
7 proper form of identification, for the first time following registration at his new
8 polling place designated by the election authority.

9 3. Notwithstanding any provision of law to the contrary, the election authority
10 shall not deliver any absentee ballot to any person who registers to vote by mail
11 until after such person has:

12 (1) Voted, in person, after presentation of a proper form of identification set
13 out in section 115.427, for the first time following registration; or

14 (2) Provided a copy of a proper form of identification set out in section
15 115.427 to the election authority.

16 This subsection shall not apply to those persons identified in section 115.283 who

17 **are exempted from obtaining a notary seal or signature on their absentee ballots.**

115.160. 1. All Missouri driver's license applicants shall receive a voter
2 registration application form as a simultaneous part of the application for a driver's
3 license, renewal of driver's license, change of address, duplicate request and a
4 nondriver's license.

5 2. If a single application form is used, the voter registration application
6 portion of any application described in subsection 1 of this section may not require
7 any information that duplicates information required in the driver's license portion
8 of the form, except a second signature or other information required by law.

9 3. After conferring with the secretary of state as the chief state election
10 official responsible for overseeing of the voter registration process, the director of
11 revenue shall adopt rules and regulations pertaining to the format of the voter
12 registration application used by the department.

13 4. No information relating to the failure of an applicant for a driver's license
14 or nondriver's license to sign a voter registration application may be used for any
15 purpose other than voter registration.

16 5. Any voter registration application received pursuant to the provisions of
17 this section shall be forwarded to the election authority located within that county
18 or any city not within a county, or if there is more than one election authority within
19 the county, then to the election authority located nearest to the location where the
20 driver's license application was received. The election authority receiving the
21 application forms shall review the applications and forward any applications
22 pertaining to a different election authority to that election authority.

23 6. A completed voter registration application accepted in the driver's
24 licensing process shall be transmitted to the election authority described in
25 subsection 5 of this section [not later than ten days after the date of acceptance
26 or if the voter registration application is accepted within five days before the last
27 day for registration to vote in an election, the application shall be transmitted to
28 the election authority described in subsection 5 of this section] not later than five
29 **business** days after the [date of acceptance] **form is completed by the applicant.**

115.162. 1. A voter registration application shall be provided by the
2 secretary of state in all offices of the state that provide public assistance, all offices
3 that provide state-funded programs primarily engaged in providing services to
4 persons with disabilities, and other offices as directed by the governor. In addition
5 all armed forces recruitment offices shall be considered a voter registration agency.

6 2. At each voter registration agency, the following services shall be made
7 available:

8 (1) Assistance to applicants in completing voter registration application
9 forms, unless the applicant refuses such assistance;

10 (2) Acceptance of completed voter registration application forms for
11 transmittal to the election authority located in the same county or any city not
12 within a county, or if there is more than one election authority within the county, to
13 the election authority nearest to the office of the agency. The election authority
14 receiving the application forms shall review the applications and forward any
15 applications pertaining to a different election authority to that election
16 authority[. Forms shall be transmitted as soon as possible and according to dates
17 established by the state election authority];

18 **(3) Voter registration sites shall transmit voter registration application forms**
19 **to the appropriate election authority not later than five business days after the form**
20 **is completed by the applicant;**

21 ~~[(3)]~~ (4) If a voter registration agency provides services to a person with a
22 disability at the person's home, the agency shall provide the services provided in
23 this section at the person's home.

24 3. An applicant declining to register in any agency shall be noted in a
25 declination section incorporated into the voter registration form used by the
26 agency. No information relating to a declination to register to vote in connection
27 with an application made at a voter registration agency may be used for any
28 purpose other than voter registration.

29 [4. Subject to the approval of the secretary of state, the voter registration
30 agency shall adopt rules and regulations pertaining to the format of a voter
31 registration application to be used by that agency.]

115.163. 1. Each election authority shall arrange one set of registration cards
2 into permanent binders for each precinct, or it may authorize the creation of
3 computerized lists for each precinct. The computerized lists or binder shall be
4 arranged alphabetically or by street address as the election authority determines
5 and shall be known as the "precinct register". At least one set of registration cards
6 shall be arranged in a central file in such a manner as the election authority
7 determines, and shall be known as the "headquarters register". The election
8 authority shall be the custodian of the registration records, and no cards or records
9 shall be removed or handled except at its direction and under its supervision. The

10 precinct registers shall be kept by the election authority in a secure place, except
11 when given to election judges for use at an election. **Except as provided in**
12 **subsection 2 of section 115.157**, all registration records shall be open to inspection
13 by the public at all reasonable times.

14 2. In counties using computer printouts as precinct registers, a new computer
15 printout shall be printed prior to each election.

16 3. In those counties using computer printouts as precinct registers, the
17 election authority shall send to each voter a voter identification card [not less] **no**
18 **later** than ninety days prior to the **date of a primary** [election in each year in which
19 a primary and] **or** general election [will be held] **for federal office**, unless the voter
20 has received such a card during the preceding six months. The voter identification
21 card shall contain the voter's name, address, precinct and a signature line. The
22 card may also contain other voting information at the discretion of the election
23 authority. The voter shall be instructed to sign the card for use as identification at
24 the polls. The voter identification card shall be sent to a voter after a new
25 registration or a change of address. If any voter shall lose his voter identification
26 card he may request a new one from the election authority. The voter
27 identification card authorized pursuant to this section may be used as a canvass of
28 voters in lieu of the provisions set out in sections 115.179 to 115.193. **Except as**
29 **provided in subsection 2 of section 115.157**, anyone, upon request and payment
30 of a reasonable fee, may obtain a printout, list and/or computer tape of those
31 newly registered voters or voters deleted from the voting rolls, since the last canvass
32 or updating of the rolls. **The election authority may authorize the use of the postal**
33 **service contractors under the federal National Change of Address program to**
34 **identify those voters whose address is not correct on the voter registration**
35 **records. The election authority shall not be required to mail a voter registration**
36 **card to those voters whose addresses are incorrect. Confirmation notices to such**
37 **voters required by section 115.193 shall be sent to the corrected address provided**
38 **by the National Change of Address program.**

115.179. 1. [In each jurisdiction with a board of election commissioners, the
2 board of election commissioners] **The election authority** shall have the registration
3 records of all precincts in its jurisdiction canvassed every [four] **two** years **in**
4 **accordance with subsection 3 of section 115.163** and that it be completed no later
5 than ninety days prior to the date of a primary or general election for federal
6 office. **The election authority may utilize postal service contractors under the**

7 **federal National Change of Address program to canvass the records.**

8 2. In each jurisdiction without a board of election commissioners, the county
9 clerk shall have the registration records of all precincts in its jurisdiction canvassed
10 every [four] **two** years **in accordance with subsection 3 of section 115.163** and that
11 it be completed no later than ninety days prior to the date of a primary or general
12 election for federal office.

115.195. 1. At least once each month, the [election authority] **secretary of**
2 **state** shall obtain from the state or local registrar of vital statistics, a list of the name
3 and address, if known, of each person over eighteen years of age in its jurisdiction
4 whose death has been reported to him or her. **The secretary of state shall notify the**
5 **election authority of the jurisdiction in which the deceased resided of the**
6 **information received pursuant to this subsection.**

7 2. At least once each month, the [election authority] **secretary of state** shall
8 obtain from the clerk of the circuit court **of each county and city not within a**
9 **county** the name and address, if known, of each person over eighteen years of age
10 in its jurisdiction who has been convicted of any felony, or of a misdemeanor
11 connected with the right of suffrage. **The secretary of state shall notify the election**
12 **authority of the jurisdiction in which an offender resides of the information received**
13 **pursuant to this subsection.**

14 3. At least once each month, the [election authority] **secretary of state** shall
15 obtain from the clerk of the probate division of the circuit court **of each county and**
16 **city not within a county** the name and address, if known, of each person over
17 eighteen years of age in its jurisdiction who has been adjudged incapacitated and
18 has not been restored to capacity. **The secretary of state shall notify the election**
19 **authority of the jurisdiction in which such person resides of the information received**
20 **pursuant to this subsection.**

21 4. All state and local registrars and all clerks of probate divisions of the
22 circuit courts and circuit courts shall provide the information specified in this
23 section, without charge, when requested by [an election authority] **the secretary**
24 **of state.**

115.225. 1. Before use by election authorities in this state, the secretary of
2 state shall approve the marking devices and the automatic tabulating equipment
3 used in electronic voting systems and may promulgate rules and regulations to
4 implement the intent of sections 115.225 to 115.235.

5 2. No electronic voting system shall be approved unless it:

6 (1) Permits voting in absolute secrecy;

7 (2) Permits each voter to vote for as many candidates for each office as he
8 is lawfully entitled to vote for;

9 (3) Permits each voter to vote for or against as many questions as he is
10 lawfully entitled to vote on, and no more;

11 (4) Provides facilities for each voter to cast as many write-in votes for each
12 office as he is lawfully entitled to cast;

13 (5) Permits each voter at a general election to vote for all candidates of
14 one party by one punch or mark or to vote a split ticket, as he desires;

15 (6) Permits each voter in a primary election to vote for the candidates of
16 only one party announced by the voter in advance;

17 (7) Permits each voter at a presidential election to vote by use of a single
18 punch or mark for the candidates of one party or group of petitioners for president,
19 vice president and their presidential electors;

20 (8) Accurately counts all proper votes cast for each candidate and for and
21 against each question;

22 (9) Is set to reject all votes, except write-in votes, for any office and on any
23 question when the number of votes exceeds the number a voter is lawfully entitled
24 to cast;

25 (10) Permits each voter, while voting, to clearly see the ballot label;

26 **(11) Has been tested and is certified by an independent authority that meets**
27 **the voting system standards developed by the Federal Election Commission or its**
28 **successor agency. The provisions of this subdivision shall not be required for any**
29 **system purchased prior to August 28, 2002.**

30 3. [No rule or portion of a rule promulgated under the authority of this
31 section shall become effective unless it has been promulgated pursuant to the
32 provisions of section 536.024, RSMo.] **The secretary of state shall promulgate rules**
33 **and regulations to allow the use of a computerized voting system. The procedures**
34 **shall provide for the use of a computerized voting system with the ability to provide**
35 **a paper audit trail. Notwithstanding any provisions of this chapter to the contrary,**
36 **such a system may allow for the storage of processed ballot materials in an**
37 **electronic form.**

38 4. **Any rule or portion of a rule, as that term is defined in section 536.010,**
39 **RSMo, that is created under the authority delegated in this section shall become**
40 **effective only if it complies with and is subject to all of the provisions of chapter**
41 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**
42 **RSMo, are nonseverable and if any of the powers vested with the general assembly**

43 pursuant to chapter 536, RSMo, to review, to delay the effective date or to
44 disapprove and annul a rule are subsequently held unconstitutional, then the grant
45 of rulemaking authority and any rule proposed or adopted after August 28, 2002,
46 shall be invalid and void.

115.233. Within [five] **fourteen** days prior to an election at which an
2 electronic voting system is to be used, the election authority shall have the
3 automatic tabulating equipment tested to ascertain that the equipment is in
4 compliance with the law and that it will correctly count the votes cast for all offices
5 and on all questions. At least forty-eight hours prior to the test, notice of the time
6 and place of the test shall be mailed to each independent and new party
7 candidate and the chairman of the county committee of each established political
8 party named on the ballot. The test shall be observed by at least two persons
9 designated by the election authority, one from each major political party, and shall
10 be open to representatives of the political parties, candidates, the news media and
11 the public. The test shall be conducted by processing a preaudited group of
12 ballots. If any error is detected, the cause shall be ascertained and corrected, and
13 an errorless count shall be made before the tabulating equipment is approved.

115.237. 1. Each ballot printed **or designed for use with an electronic voting**
2 **system** for any election [under the provisions of sections 115.001 to 115.641]
3 **pursuant to this chapter** shall contain all questions and the names of all offices and
4 candidates certified or filed pursuant to [sections 115.001 to 115.641] **this chapter**
5 and no other. As far as practicable, all questions and the names of all offices and
6 candidates for which each voter is entitled to vote shall be printed on one page
7 except for the ballot for political party committee persons in polling places not
8 utilizing an electronic voting system which may be printed separately and in
9 conformity with the requirements contained in this section. As far as practicable,
10 ballots containing only questions and the names of nonpartisan offices and
11 candidates shall be printed in accordance with the provisions of this section,
12 except that the ballot information may be listed in vertical or horizontal rows. The
13 names of candidates for each office shall be listed in the order in which they are
14 filed.

15 2. **Except as provided in subsection 4 of this section**, each ballot shall [be
16 plain paper, through which printing or writing cannot be read, and shall] have:

17 (1) Each party name printed in capital letters not less than eighteen point
18 in size;

19 (2) A circle one-half inch in diameter immediately below each party name;

20 (3) The name of each office printed in capital letters not less than eight

21 point in size;

22 (4) The name of each candidate printed in capital letters not less than ten
23 point in size;

24 (5) A small square, the sides of which shall not be less than one-fourth inch
25 in length, printed directly to the left of each candidate's name and on the same
26 line as the candidate's name. When write-in votes are authorized and no
27 candidate's name is to be printed under the name of an office in a party or
28 nonpartisan column, under the name of the office in the column shall be printed
29 a square. Directly to the right of the square shall be printed a horizontal line on
30 which the voter may vote for a person whose name does not appear on the
31 ballot. When more than one position is to be filled for an office, and the number
32 of candidates' names under the office in a column is less than the number of
33 positions to be filled, the number of squares and write-in lines printed in the column
34 shall equal the difference between the number of candidates' names and the
35 number of positions to be filled;

36 (6) The list of candidates of each party and all nonpartisan candidates
37 placed in separate columns with a heavy vertical line between each list;

38 (7) A horizontal line extending across the ballot three-eighths of an inch
39 below the last name or write-in line under each office in such a manner that the
40 names of all candidates and all write-in lines for the same office appear between
41 the same horizontal lines. If write-in votes are not authorized, the horizontal line
42 shall extend across the ballot three-eighths of an inch below the name of the last
43 candidate under each office;

44 (8) In a separate column or beneath a heavy horizontal line under all names
45 and write-in lines, all questions;

46 (9) At least three-eighths of an inch below all other matter on the ballot,
47 printed in ten point Gothic type, the words "Instructions to Voters" followed by
48 directions to the voter on marking his ballot as provided in section 115.439;

49 (10) Printed at the top on the face of the ballot the words "Official Ballot"
50 followed by the date of the election and the statement "Instruction to Voters: Place
51 an X in the square opposite the name of the person for whom you wish to vote."

52 3. As nearly as practicable, each ballot shall be in substantially the following
53 form:

54 OFFICIAL BALLOT

DATE

55	REPUBLICAN	DEMOCRATIC	THIRD PARTY	INDEPENDENT
56	○	○	○	○
57	For President	For President	For President	For President
58	and	and	and	and
59	Vice President	Vice President	Vice President	Vice President
60	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
61	For	For	For	For
62	United States	United States	United States	United States
63	Senator	Senator	Senator	Senator
64	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
65	For Governor	For Governor	For Governor	For Governor
66	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
67	For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant
68	Governor	Governor	Governor	Governor
69	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
70	For Secretary	For Secretary	For Secretary	For Secretary
71	of State	of State	of State	of State
72	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
73	For Treasurer	For Treasurer	For Treasurer	For Treasurer
74	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
75	For Attorney	For Attorney	For Attorney	For Attorney
76	General	General	General	General
77	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
78	For	For	For	For
79	United States	United States	United States	United States
80	Representative	Representative	Representative	Representative
81	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
82	For State	For State	For State	For State
83	Senator	Senator	Senator	Senator
84	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
85	For State	For State	For State	For State
86	Representative	Representative	Representative	Representative
87	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
88	For Circuit	For Circuit	For Circuit	For Circuit
89	Judge	Judge	Judge	Judge
90	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

91 **4. The secretary of state shall promulgate rules that specify uniform**
92 **standards for ballot layout for each electronic or computerized ballot county**

93 system approved under the provisions of 115.225 so that the ballot used with any
94 counting system is, where possible, consistent with the intent of this
95 section. Nothing in this section shall be construed to require the format specified
96 in this section if it does not meet the requirements of the ballot counting system
97 used by the election authority.

98 5. Any rule or portion of a rule, as that term is defined in section 536.010,
99 RSMo, that is created under the authority delegated in this section shall become
100 effective only if it complies with and is subject to all of the provisions of chapter
101 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
102 RSMo, are nonseverable and if any of the powers vested with the general assembly
103 pursuant to chapter 536, RSMo, to review, to delay the effective date or to
104 disapprove and annul a rule are subsequently held unconstitutional, then the grant
105 of rulemaking authority and any rule proposed or adopted after August 28, 2002,
106 shall be invalid and void.

115.277. 1. Except as provided in subsections 3, 4 and 5 of this section, any
2 registered voter of this state may vote by absentee ballot for all candidates and
3 issues for which such voter would be eligible to vote at the polling place if such
4 voter expects to be prevented from going to the polls to vote on election day due
5 to:

6 (1) Absence on election day from the jurisdiction of the election authority
7 in which such voter is registered to vote;

8 (2) Incapacity or confinement due to illness or physical disability, **including**
9 **a person who is primarily responsible for the physical care of a person who is**
10 **incapacitated or confined due to illness or disability;**

11 (3) Religious belief or practice;

12 (4) Employment as an election authority, as a member of an election
13 authority, or by an election authority at a location other than such voter's polling
14 place;

15 (5) Incarceration, provided all qualifications for voting are retained.

16 2. Any person in federal service, as defined in section 115.275, who is eligible
17 to register and vote in any election in this state may vote in the election even if the
18 person is not registered. Each person in federal service may vote by absentee
19 ballot or, upon submitting an affidavit that the person is qualified to vote in the
20 election, may vote at the person's polling place.

21 3. Any interstate former resident, as defined in section 115.275, may vote by
22 absentee ballot for presidential and vice presidential electors.

23 4. Any intrastate new resident, as defined in section 115.275, may vote by
24 absentee ballot at the election for presidential and vice presidential electors,
25 United States senator, representative in Congress, statewide elected officials and
26 statewide questions, propositions and amendments from such resident's new
27 jurisdiction of residence after registering to vote in such resident's new jurisdiction
28 of residence.

29 5. Any new resident, as defined in section 115.275, may vote by absentee
30 ballot for presidential and vice presidential electors after registering to vote in such
31 resident's new jurisdiction of residence.

 115.279. 1. Application for an absentee ballot may be made by the
2 applicant in person, or by mail, or for the applicant, in person, by his or her
3 guardian or a relative within the [second] **first** degree by consanguinity or
4 affinity. The election authority [may] **shall** accept applications by facsimile
5 transmission [at its discretion and] within the limits of its telecommunications
6 capacity.

7 2. Each application shall be made to the election authority of the jurisdiction
8 in which the person is or would be registered. Each application shall be in writing
9 and shall state the applicant's name, address at which he or she is or would be
10 registered, his or her reason for voting an absentee ballot and the address to which
11 the ballot is to be mailed, if mailing is requested. Each application to vote in a
12 primary election shall also state which ballot the applicant wishes to receive. If any
13 application fails to designate a ballot, the election authority shall, within three
14 working days after receiving the application, notify the applicant by mail that it will
15 be unable to deliver an absentee ballot until the applicant designates which
16 political party ballot he or she wishes to receive. If the applicant does not respond
17 to the request for political party designation, the election authority is authorized to
18 provide the voter with that part of the ballot for which no political party designation
19 is required.

20 3. All applications for absentee ballots received prior to the sixth Tuesday
21 before an election shall be stored at the office of the election authority until such
22 time as the applications are processed in accordance with section 115.281. No
23 application for an absentee ballot received in the office of the election authority
24 by mail, by facsimile transmission or by a guardian or relative after 5:00 p.m. on the
25 Wednesday immediately prior to the election shall be accepted by any election
26 authority. No application for an absentee ballot submitted by the applicant in

27 person after 5:00 p.m. on the day before the election shall be accepted by any
28 election authority, except as provided in subsections 6, 8 and 9 of this section.

29 4. Each application for an absentee ballot shall be signed by the applicant
30 or, if the application is made by a guardian or relative pursuant to the provisions of
31 this section, the application shall be signed by the guardian or relative, who shall
32 note on the application his or her relationship to the applicant. If an applicant,
33 guardian or relative is blind, unable to read or write the English language or
34 physically incapable of signing the application, he or she shall sign by mark,
35 witnessed by the signature of an election official or person of his or her own
36 choosing. Any person who knowingly makes, delivers or mails a fraudulent
37 absentee ballot application shall be guilty of a class one election offense.

38 5. Notwithstanding any law to the contrary, any resident of the state of
39 Missouri who resides outside the boundaries of the United States or who is on active
40 duty with the armed forces of the United States or members of their immediate
41 family living with them may request an absentee ballot for both the primary and
42 subsequent general election with one application.

43 6. An application for an absentee ballot by a new resident, as defined in
44 section 115.275, shall be submitted in person by the applicant in the office of the
45 election authority in the election jurisdiction in which such applicant resides. The
46 application shall be received by the election authority no later than 7:00 p.m. on
47 the day of the election. Such application shall be in the form of an affidavit,
48 executed in duplicate in the presence of the election authority or any authorized
49 officer of the election authority, and in substantially the following form:

50 "STATE OF

51 COUNTY OF, ss.

52 I,, do solemnly swear that:

53 (1) Before becoming a resident of this state, I resided at (residence
54 address) in (town, township, village or city) of County in the
55 state of

56 (2) I moved to this state after the last day to register to vote in such general
57 presidential election and I am now residing in the county of, state
58 of Missouri;

59 (3) I believe I am entitled pursuant to the laws of this state to vote in the
60 presidential election to be held November, (year);

61 (4) I hereby make application for a presidential and vice presidential ballot.

62 have not voted and shall not vote other than by this ballot at such election.

63 Signed

64 (Applicant)

65

66 (Residence Address)

67 Subscribed and sworn to before me this day of,

68 Signed

69 (Title and name of officer authorized to administer oaths)"

70 7. The election authority in whose office an application is filed pursuant to
71 subsection 6 of this section shall immediately send a duplicate of such application
72 to the appropriate official of the state in which the new resident applicant last
73 resided and shall file the original of such application in its office.

74 8. An application for an absentee ballot by an intrastate new resident, as
75 defined in section 115.275, shall be made in person by the applicant in the office
76 of the election authority in the election jurisdiction in which such applicant
77 resides. The application shall be received by the election authority no later than
78 7:00 p.m. on the day of the election. Such application shall be in the form of an
79 affidavit, executed in duplicate in the presence of the election authority or an
80 authorized officer of the election authority, and in substantially the following form:
81 "STATE OF

82 COUNTY OF, ss.

83 I,, do solemnly swear that:

84 (1) Before becoming a resident of this election jurisdiction, I resided at
85 (residence address) in (town, township, village or city) of
86 county in the state of

87 (2) I moved to this election jurisdiction after the last day to register to vote
88 in such election;

89 (3) I believe I am entitled pursuant to the laws of this state to vote in the
90 election to be held (date);

91 (4) I hereby make application for an absentee ballot for candidates and
92 issues on which I am entitled to vote pursuant to the laws of this state. I have not
93 voted and shall not vote other than by this ballot at such election.

94 Signed

95 (Applicant)

96

97 (Residence Address)

98 Subscribed and sworn to before me this day of,

99 Signed

100 (Title and name of officer authorized to administer oaths)"

101 9. An application for an absentee ballot by an interstate former resident, as
102 defined in section 115.275, shall be received in the office of the election authority
103 where the applicant was formerly registered by 5:00 p.m. on the Wednesday
104 immediately prior to the election, unless the application is made in person by the
105 applicant in the office of the election authority, in which case, such application
106 shall be made no later than 7:00 p.m. on the day of the election.

115.283. 1. Each ballot envelope shall bear a statement on which the voter
2 shall state the voter's name, the voter's voting address, the voter's mailing address
3 and the voter's reason for voting an absentee ballot. On the form, the voter shall
4 also state, under penalties of perjury that the voter is qualified to vote in the
5 election, that the voter has not previously voted and will not vote again in the
6 election, that the voter has personally marked the voter's ballot in secret or
7 supervised the marking of the voter's ballot if the voter is unable to mark it, that the
8 ballot has been placed in the ballot envelope and sealed by the voter or under the
9 voter's supervision if the voter is unable to seal it, and that all information contained
10 in the statement is true. In addition, any person providing assistance to the
11 absentee voter shall include a statement on the envelope identifying the person
12 providing assistance under penalties of perjury. Persons authorized to vote only for
13 federal and statewide officers shall also state their former Missouri residence.

14 2. The statement for persons voting absentee ballots who are registered
15 voters shall be in substantially the following form:

16 State of Missouri

17 County (City) of

18 I, (print name), a registered voter of County (City
19 of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be
20 prevented from going to the polls on election day due to (check one):

21 absence on election day from the jurisdiction of the election authority in
22 which I am registered;

23 incapacity or confinement due to illness or physical disability, **including**
24 **caring for a person who is incapacitated or confined due to illness or**
25 **disability;**

26 religious belief or practice;
 27 employment as an election authority or by an election authority at a
 28 location other than my polling place;
 29 incarceration, although I have retained all the necessary qualifications for
 30 voting.

31 I hereby state under penalties of perjury that I am qualified to vote at this election;
 32 I have not voted and will not vote other than by this ballot at this election. I further
 33 state that I marked the enclosed ballot in secret or that I am blind, unable to read
 34 or write English, or physically incapable of marking the ballot, and the person of my
 35 choosing indicated below marked the ballot at my direction; all of the information
 36 on this statement is, to the best of my knowledge and belief, true.

37
38 Signature of Voter	Signature of Person
39	Assisting Voter
40	(if applicable)
41	Subscribed and sworn to
42	before me this day
43 Address of Voter	of,
44
45
46 Mailing addresses	Signature of notary or
47 (if different)	other officer authorized
48	to administer oaths

49 3. The statement for persons voting absentee ballots pursuant to the
 50 provisions of subsection 2, 3, 4 or 5 of section 115.277 without being registered shall
 51 be in substantially the following form:

52 State of Missouri
 53 County (City) of.....

54 I, (print name), declare under the penalties of perjury that I am a
 55 citizen of the United States and eighteen years of age or older. I am not adjudged
 56 incapacitated by any court of law, and if I have been convicted of a felony or of
 57 a misdemeanor connected with the right of suffrage, I have had the voting
 58 disabilities resulting from such conviction removed pursuant to law. I hereby state
 59 under penalties of perjury that I am qualified to vote at this election.

60 (1) I am a resident of the state of Missouri and (check one):

61 am a member of the U.S. armed forces in active service;
 62 am an active member of the U.S. merchant marine;
 63 am a civilian employee of the U.S. government working outside the United
 64 States;
 65 am an active member of a religious or welfare organization assisting
 66 servicemen;
 67 have been honorably discharged or terminated my service in one of the
 68 groups mentioned above within sixty days of this election;
 69 am a spouse or dependent of one of the above;
 70 am a registered voter in County and moved from that county to
 71 County, Missouri, after the last day to register to vote in this
 72 election.

73 OR (check if applicable)

74 (2) I am an interstate former resident of Missouri and authorized
 75 to vote for presidential and vice presidential electors. I further state under penalties
 76 of perjury that I have not voted and will not vote other than by this ballot at this
 77 election; I marked the enclosed ballot in secret or am blind, unable to read or write
 78 English, or physically incapable of marking the ballot, and the person of my
 79 choosing indicated below marked the ballot at my direction; all of the information
 80 on this statement is, to the best of my knowledge and belief, true.

81 Subscribed to and sworn
 82 Signature of Voter before me this day
 83 of,

84

85

86 Address of Voter
 87 Signature of notary or
 88 other officer authorized
 89 to administer oaths

89

90

91 Mailing Address

92 (if different)

93

94 Signature of Person Address of Last Missouri

95 Assisting Voter Residence

96 (if applicable)

97 4. The statement for persons voting absentee ballots who are entitled to vote
98 at the election pursuant to the provisions of subsection 2 of section 115.137 shall be
99 in substantially the following form:

100 State of Missouri

101 County (City) of

102 I, (print name), declare under the penalties of perjury that I
103 expect to be prevented from going to the polls on election day due to (check
104 one):

105 absence on election day from the jurisdiction of the election authority in
106 which I am directed to vote;

107 incapacity or confinement due to illness or physical disability, **including**
108 **caring for a person who is incapacitated or confined due to illness or**
109 **disability;**

110 religious belief or practice;

111 employment as an election authority or by an election authority at a
112 location other than my polling place;

113 incarceration, although I have retained all the necessary qualifications of
114 voting.

115 I hereby state under penalties of perjury that I own property in the
116 district and am qualified to vote at this election; I have not voted and will not vote
117 other than by this ballot at this election. I further state that I marked the enclosed
118 ballot in secret or that I am blind, unable to read and write English, or physically
119 incapable of marking the ballot, and the person of my choosing indicated below
120 marked the ballot at my direction; all of the information on this statement is, to the
121 best of my knowledge and belief, true.

122 Subscribed and sworn to
123 Signature of Voter before me this
124 day of,

125

126

127 Address Signature of notary or
128 other officer authorized
129 to administer oaths

130

131 Signature of Person

132 Assisting Voter

133 (if applicable)

134 5. The statement for persons providing assistance to absentee voters shall be
135 in substantially the following form:

136 The voter needed assistance in marking the ballot and signing above, because of
137 blindness, other physical disability, or inability to read or to read English. I marked
138 the ballot enclosed in this envelope at the voter's direction, when I was alone with
139 the voter, and I had no other communication with the voter as to how he or she
140 was to vote. The voter swore or affirmed the voter affidavit above and I then
141 signed the voter's name and completed the other voter information above. Signed
142 under the penalties of perjury.

143 Reason why voter needed assistance:

144 ASSISTING PERSON SIGN HERE

145 1. (signature of assisting person)

146 2. (assisting person's name printed)

147 3. (assisting person's residence)

148 4. (assisting person's home city or town).

149 6. Notwithstanding any other provision of this section, any resident of the
150 state of Missouri who resides outside the boundaries of the United States or who is
151 on active duty with the armed forces of the United States or members of their
152 immediate family living with them or persons who have declared themselves to be
153 permanently disabled pursuant to section 115.284, otherwise entitled to vote, shall
154 not be required to obtain a notary seal or signature on his or her absentee ballot.

155 7. Notwithstanding any other provision of this section or section 115.291 to
156 the contrary, the subscription, signature and seal of a notary or other officer
157 authorized to administer oaths shall not be required on any ballot, ballot envelope,
158 or statement required by this section if the reason for the voter voting absentee is
159 due to [illness or physical disability] **the reasons established pursuant to subdivision**
160 **(2) of subsection 1 of section 115.277.**

115.287. 1. Upon receipt of a signed application for an absentee ballot and
2 if satisfied the applicant is entitled to vote by absentee ballot, the election authority
3 shall, within three working days after receiving the application, or if absentee
4 ballots are not available at the time the application is received, within five working
5 days after they become available, deliver to the voter an absentee ballot, ballot

6 envelope and such instructions as are necessary for the applicant to vote. Delivery
7 shall be made to the voter personally in the office of the election authority or by
8 bipartisan teams appointed by the election authority, or by first class, registered, or
9 certified mail at the discretion of the election authority. Where the election
10 authority is a county clerk, the members of bipartisan teams representing the
11 political party other than that of county clerk shall be selected from a list of persons
12 submitted to the county clerk by the county chairman of that party. If no list is
13 provided by the time that absentee ballots are to be made available, the county
14 clerk may select a person or persons from lists provided in accordance with section
15 115.087. If the election authority is not satisfied that any applicant is entitled to
16 vote by absentee ballot, it shall not deliver an absentee ballot to the
17 applicant. Within three working days of receiving such an application, the election
18 authority shall notify the applicant and state the reason he or she is not entitled to
19 vote by absentee ballot. The applicant may appeal the decision of the election
20 authority to the circuit court in the manner provided in section 115.223.

21 2. If any voter from the jurisdiction has become hospitalized in the county
22 in which the jurisdiction is located or in any county or in the jurisdiction of an
23 adjoining election authority within the same county after 5:00 p.m. on the
24 Wednesday before an election, if any voter from the jurisdiction has become
25 confined due to illness or injury after 5:00 p.m. on the Wednesday before an
26 election or if any voter from the jurisdiction is confined in an adult boarding facility,
27 intermediate care facility, residential care facility, or skilled nursing facility, as
28 defined in section 198.006, RSMo, in the jurisdiction, the election authority [may]
29 **shall** appoint a team to deliver, witness the signing of and return the voter's
30 application and deliver, witness the voting of and return the voter's absentee ballot;
31 **except that, the election authority may allow a relative within the first degree of**
32 **consanguinity or affinity to perform the same duties as a team for such confined**
33 **voter.** In counties of the first class with a charter form of government and in cities
34 not within a county, and in each city which has over three hundred thousand
35 inhabitants, and is situated in more than one county, if the election authority
36 receives ten or more applications for absentee ballots from the same address it
37 may appoint a team to deliver and witness the voting and return of absentee
38 ballots by voters residing at that address, except when such addresses are for an
39 apartment building or other structure wherein individual living units are located,
40 each of which has its own separate cooking facilities. Each team appointed under

41 the provisions of this subsection shall consist of two registered voters, one from each
42 major political party. Both members of any team appointed pursuant to this
43 subsection shall be present during the delivery, signing or voting and return of any
44 application or absentee ballot signed or voted pursuant to this subsection.

45 3. On the mailing and ballot envelopes for each applicant in federal service,
46 the election authority shall stamp prominently in red the words "FEDERAL BALLOT,
47 STATE OF MISSOURI" and "U.S. Postage Paid, 42 U.S.C., 1973 DD".

48 4. No information which encourages a vote for or against a candidate or
49 issue shall be provided to any voter with an absentee ballot.

115.291. 1. Upon receiving an absentee ballot, the voter shall mark [his] the
2 ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill
3 out the statement on the ballot envelope. The affidavit of each person voting an
4 absentee ballot shall be subscribed and sworn to before the election official
5 receiving the ballot, a notary public or other officer authorized by law to administer
6 oaths, unless the voter is voting absentee due to incapacity or confinement due to
7 the provisions of section 115.284, illness or physical disability. If the voter is blind,
8 unable to read or write the English language, or physically incapable of voting [his]
9 the ballot, [he] the voter may be assisted by a person of [his] the voter's own
10 choosing. Any person assisting a voter who is not entitled to such assistance, and
11 any person who assists a voter and in any manner coerces or initiates a request or
12 a suggestion that the voter vote for or against or refrain from voting on any
13 question, ticket or candidate, shall be guilty of a class one election offense. If,
14 upon counting, challenge or election contest, it is ascertained that any absentee
15 ballot was voted with unlawful assistance, the ballot shall be rejected.

16 2. Each absentee ballot shall be returned to the election authority in the
17 ballot envelope and shall only be returned by the voter in person, **or in person by**
18 **a relative of the voter who is within the first degree of consanguinity or affinity**, by
19 mail or registered carrier or by a team of deputy election authorities; **except that**
20 **persons in federal service, when sent from a location determined by the secretary**
21 **of state to be inaccessible on election day, shall be allowed to return their**
22 **absentee ballots cast by use of facsimile transmission or under a program**
23 **approved by the Department of Defense for electronic transmission of election**
24 **materials.**

25 3. In cases of an emergency declared by the President of the United States
26 or the governor of this state where the conduct of an election may be affected,

27 the secretary of state may provide for the delivery and return of absentee ballots
28 by use of a facsimile transmission device or system. Any rule promulgated pursuant
29 to this subsection shall apply to a class or classes of voters as provided for by the
30 secretary of state.

115.409. Except election authority personnel, election judges, watchers and
2 challengers appointed pursuant to section 115.105 or 115.107, law enforcement
3 officials at the request of election officials or in the line of duty, minor children
4 under the age of eighteen accompanying an adult who is in the process of voting,
5 **international observers who have registered as such with the election authority,**
6 persons designated by the election authority to administer a simulated youth
7 election for persons ineligible to vote because of their age, members of the news
8 media who present identification satisfactory to the election judges and who are
9 present only for the purpose of bona fide news coverage except as provided in
10 subdivision (18) of section 115.637, provided that such coverage does not disclose
11 how any voter cast [his] **the voter's** ballot on any question or candidate or in the
12 case of a primary election on which party ballot they voted or does not interfere
13 with the general conduct of the election as determined by the election judges or
14 election authority, and registered voters who are eligible to vote at the polling
15 place, no person shall be admitted to a polling place.

115.417. 1. Before the time fixed by law for the opening of the polls, the
2 election authority shall deliver to each polling place a sufficient number of voter
3 instruction cards which include the following information:

4 (1) If paper ballots or an electronic voting system is used, the instructions
5 shall inform the voter on how to obtain a ballot for voting, how to vote and prepare
6 the ballot for deposit in the ballot box and how to obtain a new ballot to replace
7 one accidentally spoiled;

8 (2) If voting machines are used, the instructions shall inform the voter how
9 to operate the machine in such a manner that [he] **the voter** may vote as [he] **the**
10 **voter** wishes.

11 **2. The election authority at each polling place shall post in a conspicuous**
12 **place voting instructions on a poster no smaller than twenty-four inches by thirty**
13 **inches. Such instructions shall also inform the voter that the voting equipment can**
14 **be demonstrated upon request of the voter.**

15 [2.] **3.** If marking devices or voting machines are used, the election authority
16 shall also provide to each polling place a model of a marking device or portion of

17 the face of a voting machine. If requested to do so by a voter, the election judges
18 shall give instructions on operation of the marking device or voting machine by use
19 of the model.

20 **4. The secretary of state may develop multi-lingual voting instructions to be**
21 **made available to election authorities.**

115.419. Before the time fixed by law for the opening of the polls, the
2 election authority shall deliver to each polling place a sufficient number of sample
3 ballots, ballot cards or ballot labels which shall be a different color but otherwise
4 exact copies of the official ballot. The samples shall be printed in the form of a
5 diagram, showing the form of the ballot or the front of the marking device or voting
6 machine as it will appear on election day. **The secretary of state may develop**
7 **multi-lingual sample ballots to be made available to election authorities.**

115.420. 1. **An election authority operating a voting system that uses ballot**
2 **cards shall not use a butterfly ballot unless the secretary of state provides written**
3 **approval to the election authority for the use of a butterfly ballot in the particular**
4 **election.**

5 2. **For purposes of this section, "butterfly ballot" means a ballot where two**
6 **ballot pages are used side by side and where voters must vote on candidates or**
7 **issues on both sides of the pages.**

8 3. **The secretary of state may approve the use of a butterfly ballot in a**
9 **particular election when a large number of candidates and issues are to be**
10 **decided, no alternative ballot is reasonable under the circumstances, and the**
11 **election authority submits to the secretary of state a written explanation of the need**
12 **for using a butterfly ballot. The secretary of state shall respond to such written**
13 **request within two business days.**

115.427. 1. [In counties using binders as precinct registers,] Before receiving
2 a ballot, [each voter] **voters shall identify [himself] themselves by presenting a form**
3 **of personal identification from the following list:**

4 (1) **Identification issued by the state of Missouri, an agency of the state, or**
5 **a local election authority of the state;**

6 (2) **Identification issued by the United States government or agency thereof;**

7 (3) **Identification issued by an institution of higher education, including a**
8 **university, college, vocational and technical school, located within the state of**
9 **Missouri;**

10 (4) **Driver's license or state identification card issued by another state; or**

11 (5) **Other identification approved by the secretary of state under rules**

12 promulgated pursuant to subsection 3 of this section. Personal knowledge of the
13 voter by two supervising election judges, one from each major political party, shall
14 be acceptable voter identification upon the completion of a secretary of state-
15 approved affidavit that is signed by both supervisory election judges and the voter
16 that attests to the personal knowledge of the voter by the two supervisory election
17 judges. The secretary of state may provide by rule for a sample affidavit to be
18 used for such purpose. [and write his address and sign his name on a certificate
19 furnished to the election judges by the election authority. Each certificate shall be
20 in substantially the following form:

21 VOTER'S IDENTIFICATION CERTIFICATE

22 Warning: It is against the law for anyone to vote, or attempt to vote, without having
23 a lawful right to vote.

24 PRECINCT

25 WARD OR TOWNSHIP

26 GENERAL (SPECIAL, PRIMARY) ELECTION

27 Held, 20....

28 Date

29 I hereby certify that I am qualified to vote at this election.

30

31 Sign Name

32 (Do Not Print)

33

34 Initials of two judges Address

35 from different political parties]

36 2. [In counties using computer printouts as the precinct register, before
37 receiving a ballot, each voter shall present his voter identification card as provided
38 in section 115.163.] The [computer printout] **precinct register** shall serve as the voter
39 identification certificate. The following form shall be printed at the top of each
40 page of the [computer printout] **precinct register**:

41 VOTER'S IDENTIFICATION CERTIFICATE

42 Warning: It is against the law for anyone to vote, or attempt to vote, without
43 having a lawful right to vote.

44 PRECINCT

45 WARD OR TOWNSHIP

46 GENERAL (SPECIAL, PRIMARY) ELECTION

47 Held, 20....

48 Date

49 I hereby certify that I am qualified to vote at this election **by signing my name and**
50 **verifying my address by signing my initials next to my address.** [The voter shall sign
51 his name and verify his address by his initials.]

52 **3. The secretary of state shall promulgate rules to effectuate the provisions**
53 **of this section.**

54 **4. Any rule or portion of a rule, as that term is defined in section 536.010,**
55 **RSMo, that is created under the authority delegated in this section shall become**
56 **effective only if it complies with and is subject to all of the provisions of chapter**
57 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**
58 **RSMo, are nonseverable and if any of the powers vested with the general assembly**
59 **pursuant to chapter 536, RSMo, to review, to delay the effective date or to**
60 **disapprove and annul a rule are subsequently held unconstitutional, then the grant**
61 **of rulemaking authority and any rule proposed or adopted after August 28, 2002,**
62 **shall be invalid and void.**

63 [3.] **5.** If any voter is unable to sign his name at the appropriate place on
64 the certificate or computer printout, an election judge shall print the name and
65 address of the voter in the appropriate place on the [certificate or printout]
66 **precinct register**, the voter shall make his mark in lieu of signature, and the voter's
67 mark shall be witnessed by the signature of an election judge.

68 [4. In counties using binders as the precinct register, two election judges, one
69 from each major political party, shall compare the signature on the identification
70 certificate with the signature on the precinct register.

71 5. In counties using printouts as the precinct register, two election judges,
72 one from each major political party, shall compare the signature on the voter
73 identification card with the signature on the computer printout. If the voter does
74 not have his voter identification card, the judges shall require identification
75 acceptable to the election authority. Personal knowledge of the voter by two
76 election judges, one from each major political party, shall be acceptable
77 identification to the election authority.]

115.429. 1. The election judges shall not permit any person to vote unless
2 satisfied that such person is the person whose name appears on the precinct
3 register.

4 2. The identity or qualifications of any person offering to vote may be
5 challenged by any election authority personnel, any registered voter, or any duly

6 authorized challenger at the polling place. No person whose right to vote is
7 challenged shall receive a ballot until his identity and qualifications have been
8 established.

9 3. Any question of doubt concerning the identity or qualifications of a voter
10 shall be decided by a majority of the judges **from the major political parties**. If [the]
11 **such** election judges decide not to permit a person to vote because of doubt as
12 to his identity or qualifications, the person may apply to the election authority or to
13 the circuit court as provided in sections 115.193 and 115.223. **The election authority**
14 **and the circuit court shall not allow a person to vote unless the person provides**
15 **sufficient evidence that he or she has complied with the voter registration**
16 **requirements in this chapter.**

17 4. If the election judges cannot reach a decision on the identity or
18 qualifications of any person, the question shall be decided by the election
19 authority, subject to appeal to the circuit court as provided in section 115.223. **The**
20 **election authority and the circuit court shall not allow a person to vote unless the**
21 **person provides sufficient evidence that he or she has complied with the voter**
22 **registration requirements in this chapter.**

23 5. The election judges or the election authority may require any person
24 whose right to vote is challenged to execute an affidavit affirming his
25 qualifications. The election authority shall furnish to the election judges a sufficient
26 number of blank affidavits of qualification, and the election judges shall enter any
27 appropriate information or comments under the title "Remarks" which shall appear
28 at the bottom of the affidavit. All executed affidavits of qualification shall be
29 returned to the election authority with the other election supplies. Any person who
30 makes a false affidavit of qualification shall be guilty of a class one election
31 offense.

115.433. After the voter's identification certificate has been initialed, two
2 judges of different political parties, **or one judge from a political party and one**
3 **judge with no political affiliation**, shall, where paper ballots or ballot cards are used,
4 initial the voter's ballot or ballot card.

115.439. 1. If paper ballots or ballot cards are used, the voter shall,
2 immediately upon receiving his ballot, go alone to a voting booth and vote his
3 ballot in the following manner:

4 (1) If the voter desires to vote a straight party ticket, he may place a cross
5 (X) mark in the circle directly below the party name at the head of the column, or

6 he may place cross (X) marks in the squares directly to the left of the names of
7 candidates on one party ticket;

8 (2) If the voter desires to vote a split party ticket, he may place a cross (X)
9 mark in the circle directly below one party name at the head of the column and
10 cross (X) marks in the squares directly to the left of the names of candidates on
11 other party tickets, or he may place cross (X) marks in the squares directly to the left
12 of the names of candidates on different party tickets;

13 (3) If the voter desires to vote for a person whose name does not appear on
14 the ballot, he may cross out a name which appears on the ballot for the office and
15 write the name of the person for whom he wishes to vote above or below the
16 crossed-out name and place a cross (X) mark in the square directly to the left of the
17 crossed-out name. If a write-in line appears on the ballot, he may write the name
18 of the person for whom he wishes to vote on the line and place a cross (X) mark in
19 the square directly to the left of the name;

20 (4) If the ballot does not contain any party designations, the voter shall
21 place a cross (X) mark in the squares directly to the left of the names of the
22 candidates for whom he desires to vote;

23 (5) If the ballot is one which contains no candidates, the voter shall place
24 a cross (X) mark in the square directly to the left of each "yes" or "no" he desires to
25 vote. No voter shall vote for the same person more than once for the same office
26 at the same election.

27 2. For purposes of this section, a punch or sensor mark or any other mark
28 clearly indicating that the voter intends to mark that particular square shall be
29 equivalent to a cross (X) mark.

30 3. If voting machines are used, the voter shall, immediately upon direction
31 by the judges, go alone to a voting machine, close the curtain and vote in
32 substantially the same manner provided in subsection 1 of this section. Rather than
33 placing cross (X) marks on the ballot, however, the voter shall cause the
34 designations to appear on the face of the voting machine, cast any write-in votes
35 and register his votes as directed in the instructions for use of the machine.

36 4. If the voter accidentally spoils his ballot or ballot card or makes an error,
37 he may return it to an election judge and receive another. The election judge shall
38 mark "SPOILED" across the ballot or ballot card and place it in an envelope marked
39 "SPOILED BALLOTS". After another ballot has been prepared in the manner provided
40 in section 115.433, the ballot shall be given to the voter for voting.

41 5. [If any] **The election authority may authorize the use of a sticker or other**
42 **item containing a write-in candidate's name, in lieu of a handwritten name[, is**
43 **present on the ballot,]. All such stickers and items used by election authorities shall**
44 **conform to rules and regulations promulgated by the secretary of state regarding**
45 **the form of such stickers and items. The secretary of state shall promulgate rules**
46 **and regulations to prescribe uniform specifications for the form of such stickers and**
47 **items. If authorized,** such sticker or item shall contain a cross (X) mark, or other
48 mark as described in subsection 2 of this section, in the square directly left of the
49 candidate's name and the office for which the candidate is a write-in candidateA
50 write-in vote that does not meet the requirements of this subsection which appears
51 on a ballot shall not be counted [under] **pursuant to** sections 115.447 to 115.525. In
52 those jurisdictions using an electronic voting system which utilizes mark sense or
53 optical scan technology **and if the election authority authorizes the use of stickers**
54 **for write-ins,** such system shall be programmed to identify and separate those
55 ballots which contain an office in which write-in candidates are eligible to receive
56 votes, and which contain less votes than a voter is entitled to cast. In addition,
57 such sticker shall be considered "printed matter" as defined in subsection 8 of
58 section 130.031, RSMo, and as such shall contain the designation required by
59 subsection 8 of section 130.031, RSMo.

60 **6. Any rule or portion of a rule, as that term is defined in section 536.010,**
61 **RSMo, that is created under the authority delegated in this section shall become**
62 **effective only if it complies with and is subject to all of the provisions of chapter**
63 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**
64 **RSMo, are nonseverable and if any of the powers vested with the general assembly**
65 **pursuant to chapter 536, RSMo, to review, to delay the effective date or to**
66 **disapprove and annul a rule are subsequently held unconstitutional, then the grant**
67 **of rulemaking authority and any rule proposed or adopted after August 28, 2002,**
68 **shall be invalid and void.**

 115.453. Election judges shall count votes for all candidates in the following
2 manner:

3 (1) If a cross (X) mark appears in the circle immediately below a party name
4 at the head of a column, each candidate of the party shall be counted as voted
5 for. If a cross (X) mark appears in the circle immediately below more than one
6 party name, no candidate shall be counted as voted for, except a candidate
7 before whose name a cross (X) mark appears in the square preceding the name
8 and a cross (X) mark does not appear in the square preceding the name of any

9 candidate for the same office in another column. If a cross (X) mark appears in the
10 circle immediately below a party name at the head of a column, and a cross (X)
11 mark appears in the square next to the name of any candidate in another column,
12 each candidate of the party whose circle is marked shall be counted as voted for,
13 except where a cross (X) mark appears in the square preceding the name of any
14 candidate in another column. Except as provided in this subdivision and subdivision
15 (2) of this section, each candidate with a cross (X) mark in the square preceding his
16 or her name shall be counted as voted for.

17 (2) If no cross (X) mark appears in the circle immediately below any party
18 name, but a cross (X) mark does appear in the square next to any candidate's
19 name, the name of each candidate next to which a cross (X) mark appears shall
20 be counted as voted for, and no other name shall be counted as voted for. If cross
21 (X) marks appear next to the names of more candidates for an office than are
22 entitled to fill the office, no candidate for the office shall be counted as voted for.
23 If more than one candidate is to be nominated or elected to an office, and any
24 voter has voted for the same candidate more than once for the same office at the
25 same election, no votes cast by the voter for the candidate shall be counted.

26 (3) No vote shall be counted for any candidate that is not marked
27 substantially in accordance with the provisions of this section. The judges shall
28 count votes marked substantially in accordance with this section when the intent
29 of the voter seems clear. **Regulations promulgated by the secretary of state shall**
30 **be used by the judges to determine voter intent.** No ballot containing any proper
31 votes shall be rejected for containing fewer marks than are authorized by law.

32 (4) Write-in votes shall be counted only for candidates for election to office
33 who have filed a declaration of intent to be a write-in candidate for election to
34 office with the proper election authority, who shall then notify the proper filing
35 officer of the write-in candidate prior to 5:00 p.m. on the second Friday immediately
36 preceding the election day; except that, write-in votes shall be counted only for
37 candidates for election to state or federal office who have filed a declaration of
38 intent to be a write-in candidate for election to state or federal office with the
39 secretary of state pursuant to section 115.353 prior to 5:00 p.m. on the second
40 Friday immediately preceding the election day. No person who filed as a party or
41 independent candidate for nomination or election to an office may, without
42 withdrawing as provided by law, file as a write-in candidate for election to the
43 same office for the same term. No candidate who files for nomination to an office

44 and is not nominated at a primary election may file a declaration of intent to be
45 a write-in candidate for the same office at the general election. When
46 declarations are properly filed with the secretary of state, the secretary of state shall
47 promptly transmit copies of all such declarations to the proper election authorities
48 for further action pursuant to this section. The election authority shall furnish a list
49 to the election judges and counting teams prior to election day of all write-in
50 candidates who have filed such declaration. This subdivision shall not apply to
51 elections wherein candidates are being elected to an office for which no
52 candidate has filed.

53 (5) Write-in votes shall be cast and counted for a candidate without party
54 designation. Write-in votes for a person cast with a party designation shall not be
55 counted. Except for candidates for political party committees, no candidate shall
56 be elected as a write-in candidate unless such candidate receives a separate
57 plurality of the votes without party designation regardless of whether or not the total
58 write-in votes for such candidate under all party and without party designations
59 totals a majority of the votes cast.

60 (6) When submitted to the election authority, each declaration of intent to
61 be a write-in candidate for the office of United States president shall include the
62 name of a candidate for vice president and the name of nominees for presidential
63 elector equal to the number to which the state is entitled. At least one qualified
64 resident of each congressional district shall be nominated as presidential
65 elector. Each such declaration of intent to be a write-in candidate shall be
66 accompanied by a declaration of candidacy for each presidential elector in
67 substantially the form set forth in subsection 3 of section 115.399. Each declaration
68 of candidacy for the office of presidential elector shall be subscribed and sworn to
69 by the candidate before the election official receiving the declaration of intent to
70 be a write-in, notary public or other officer authorized by law to administer oaths.

115.493. The election authority shall keep all voted ballots, ballot cards,
2 **processed ballot materials in electronic form** and write-in forms, and all
3 applications, statements, certificates, affidavits and computer programs relating to
4 each election for twelve months after the date of the election. During the time
5 that voted ballots, ballot cards, **processed ballot materials in electronic form** and
6 write-in forms are kept by the election authority, it shall not open or inspect them
7 or allow anyone else to do so, except upon order of a legislative body trying an
8 election contest, a court or a grand jury. After twelve months, the ballots, ballot

9 cards, **processed ballot materials in electronic form**, write-in forms, applications,
10 statements, certificates, affidavits and computer programs relating to each election
11 may be destroyed. If an election contest, grand jury investigation or civil or criminal
12 case relating to the election is pending at the time, however, the materials shall not
13 be destroyed until the contest, investigation or case is finally determined.

115.613. 1. Except as provided in subsection 4 of this section, the qualified
2 man and woman receiving the highest number of votes from each committee
3 district for committeeman and committeewoman of a party shall be members of
4 the county committee of the party.

5 2. If two or more qualified persons receive an equal number of votes for
6 county committeeman or committeewoman of a party and a higher number of
7 votes than any other qualified person from the party, a vacancy shall exist on the
8 county committee which shall be filled by a majority of the committee in the
9 manner provided in section 115.617.

10 3. If no qualified person is elected county committeeman or
11 committeewoman from a committee district for a party, a vacancy shall exist on
12 the county committee which shall be filled by a majority of the committee in the
13 manner provided in section 115.617.

14 4. The provisions of this subsection shall apply only in any county where no
15 filing fee is required for filing a declaration of candidacy for committeeman or
16 committeewoman in a committee district. **If only one qualified candidate has filed**
17 **a declaration of candidacy for committeeman or committeewoman in a committee**
18 **district for a party prior to the deadline established by law, no election shall be**
19 **held for committeeman or committeewoman in the committee district for that party**
20 **and the election authority shall certify the qualified candidate in the same manner**
21 **and at the same time as candidates elected pursuant to subsection 1 of this section**
22 **are certified.** If no qualified candidate files for committeeman or
23 committeewoman in a committee district for a party, no election shall be held and
24 a vacancy shall exist on the county committee which shall be filled by a majority
25 of the committee in the manner provided in section 115.617. [The state shall pay
26 the cost of producing ballots for any election held for the purposes of this
27 subsection. The election authority shall pay all public notice costs for any election
28 held pursuant to this subsection.]

115.645. 1. **Upon a judicial determination of probable cause to believe that**
2 **any violations of this chapter have occurred, the secretary of state shall have the**
3 **power to subpoena relevant persons and records as set forth in this section. Such**

4 power is limited to cases where:

5 (1) The local election authority requests the secretary of state to investigate;

6 or

7 (2) The secretary of state determines that a matter of statewide interest is
8 adversely affected and that local law enforcement authorities are unwilling or
9 unable to investigate the matter; and

10 (3) A court of competent jurisdiction has determined probable cause exists
11 that a violation of this chapter has occurred and that the persons or records sought
12 to be examined are relevant.

13 2. The attorney general shall co-operate in any investigation indicated
14 pursuant to subsection 1.

15 3. The secretary of state may request the attorney general to apply to a
16 circuit judge of proper venue to issue a subpoena to any witness who may have
17 information for the purpose of oral examination under oath to require the
18 production of books, papers, records or other material of evidentiary nature. The
19 venue for seeking issuance of such subpoena shall be in the county or city not
20 within a county where the witness or records are domiciled. Any request for
21 subpoena shall:

22 (1) State the statute and section thereof, the alleged violation of which is
23 under investigation, and the general subject matter of the investigation;

24 (2) Describe the class or classes of information, documentary material, or
25 physical evidence to be produced thereunder with reasonable specificity so as to
26 fairly indicate the material demanded;

27 (3) Prescribe a return date by which the information, documentary material,
28 or physical evidence is to be produced; and

29 (4) Identify the members of the secretary of state's staff to whom the
30 information, documentary material, or physical evidence requested is to be made
31 available.

32 4. No request for subpoena shall:

33 (1) Contain any requirement which would be unreasonable or improper if
34 contained in a subpoena duces tecum issued by a court of this state;

35 (2) Require the disclosure of any documentary material which would be
36 privileged or which, for any other reason, could not be required by a subpoena
37 duces tecum issued by a court of this state;

38 (3) Require any person to travel outside the county of his or her residence.

39 5. The secretary of state shall ensure the confidentiality of all reports,
40 records, working papers, recorded information except that all such records shall

41 be available to the local law enforcement officials if the secretary of state refers
42 any alleged violation of this chapter for prosecution and to the local election
43 authority except when the secretary of state alleges the local election authority has
44 committed a violation of this chapter.

45 6. In investigating violations of this chapter the secretary of state and any
46 local law enforcement officials shall refrain from any conduct which has the
47 possibility of affecting the conduct or outcome of an election. Investigations of
48 alleged violations of this chapter by the secretary of state or local law enforcement
49 officials shall occur only after an election and subpoenas requested prior to an
50 election shall be issued only after the counting of the ballots and posting of the
51 election results.

52 7. Upon the order of a court of competent jurisdiction, the secretary of state
53 shall have the right to access records that are closed under this chapter or under
54 chapter 610 if such records are necessary for the conduct of an investigation under
55 this section.

115.801. Subject to appropriation from federal funds, the secretary of state
2 shall administer a grant program annually for the purpose of involving youth in
3 youth voting programs. The secretary of state may promulgate rules to effectuate
4 the provisions of this section.

115.803. The secretary of state shall administer a grant program for the
2 purpose of allowing election authorities to receive grants from the federal
3 government for the purpose of improving the election process in federal
4 elections. The secretary of state may promulgate rules to effectuate the provisions
5 of this section.

115.806. Any rule or portion of a rule, as that term is defined in section
2 536.010, RSMo, that is created under the authority delegated in sections 115.645,
3 115.801 and 115.803 shall become effective only if it complies with and is subject
4 to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
5 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the
6 powers vested with the general assembly pursuant to chapter 536, RSMo, to review,
7 to delay the effective date or to disapprove and annul a rule are subsequently held
8 unconstitutional, then the grant of rulemaking authority and any rule proposed or
9 adopted after August 28, 2002, shall be invalid and void.

Section 1. 1. The provisions of this section shall apply to primary and
2 general elections where candidates for federal or statewide offices are nominated
3 or elected and any election where statewide issue or issues are submitted to the
4 voters.

5 2. A voter claiming to be properly registered in the jurisdiction of the
6 election authority and eligible to vote in an election, but whose eligibility cannot
7 be immediately established upon examination of the precinct register or upon
8 examination of the records on file with the election authority, shall be entitled to
9 vote a provisional ballot after providing a form of personal identification required
10 pursuant to section 115.427, RSMo. The provisional ballot contained in this section
11 shall contain the statewide candidates and issues, and federal candidates. The
12 congressional district on the provisional ballot shall be for the address contained
13 on the affidavit provided for in this section.

14 3. Once voted, the provisional ballot shall be placed and sealed in a
15 provisional ballot envelope. The provisional ballot in its envelope shall be
16 deposited in the ballot box. The provisional ballot envelope shall be completed by
17 the voter for use in determining eligibility. The provisional ballot envelope specified
18 in this section shall contain a voter's certificate which shall be in substantially the
19 following form:

20 STATE OF

21 COUNTY OF

22 I do solemnly swear (or affirm) that my name is; that my date of
23 birth is; that the last four digits of my Social Security Number are;
24 that I am registered to vote in County or City (if a City not within a
25 County), Missouri; that I am a qualified voter of said County (or City not within a
26 County); that I am eligible to vote at this polling place; and that I have not voted
27 in this election.

28 I understand that if the above-provided information is not correct and the
29 election authority determines that I am not registered and eligible to vote, my vote
30 will not be counted. I further understand that knowingly providing false information
31 is a violation of law and subjects me to possible criminal prosecution.

32

33 (Signature of Voter)

34

35 (Current Address)

36 Subscribed and affirmed before me this day of, 20....

37

38 (Signature of Election Official)

39 The voter may provide additional information to further assist the election authority
40 in determining eligibility, including the place and date the voter registered to vote,
41 if known.

42 4. Prior to certification of the election, the election authority shall determine
43 if the voter is registered and entitled to vote and if the vote was properly cast. The
44 provisional ballot shall be counted only if the election authority determines that the
45 voter is registered and entitled to vote. If the voter is not registered but is qualified
46 to register for future elections, the affidavit shall be considered a mail application
47 to register to vote under the provisions of this chapter.

48 5. In counties where the voting system does not utilize a paper ballot, the
49 election authority shall provide the appropriate provisional ballots to each polling
50 place.

51 6. The secretary of state may promulgate rules for purposes of ensuring the
52 uniform application of this section.

53 7. Any rule or portion of a rule, as that term is defined in section 536.010,
54 RSMo, that is created under the authority delegated in this section shall become
55 effective only if it complies with and is subject to all of the provisions of chapter
56 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
57 RSMo, are nonseverable and if any of the powers vested with the general assembly
58 pursuant to chapter 536, RSMo, to review, to delay the effective date or to
59 disapprove and annul a rule are subsequently held unconstitutional, then the grant
60 of rulemaking authority and any rule proposed or adopted after August 28, 2002,
61 shall be invalid and void.

62 8. The secretary of state shall design and provide to the election authorities
63 the envelopes and forms necessary to carry out the provisions of this section.

 [115.083. Any election authority may appoint an even number
2 of additional judges for use as needed on election day. One-half of
3 such judges shall be members of one major political party, and
4 one-half of such judges shall be members of the other major political
5 party.]

 [115.122. The provisions of section 115.123, to the contrary
2 notwithstanding, any county, city, town or village may hold an
3 election on the first Tuesday after the first Monday in August, 1997.]

 Section B. Because immediate action is necessary to ensure the efficient
2 operation of elections in this state, the repeal and reenactment of section 115.613
3 of this act is deemed necessary for the immediate preservation of the public health,
4 welfare, peace and safety, and is hereby declared to be an emergency act within
5 the meaning of the constitution, and the repeal and reenactment of section
6 115.613 of this act shall be in full force and effect upon its passage and approval,

7 or July 1, 2002, whichever later occurs.

T